

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In Re:

CHAPTER 7 CASE

Barbara E. King Gohl,

Debtor,

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BKY Case No. 04-43134 NCD

David Gohl,

ADV. No.: 04-4246

Plaintiff,

vs.

Barbara E. King Gohl,

Defendant

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**ANSWER**

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Barbara E. King Gohl (hereinafter "Debtor") as and for her Answer to the Complaint of David Gohl ("Gohl"), states and alleges as follows:

1. Debtor denies each and every matter and thing contained in Gohl's Complaint except as may be otherwise admitted, qualified, or otherwise answered in the remainder of this Answer.

2. Debtor admits the allegations contained in Paragraphs 1, 2, 3, 4 and 5.

3. As to the allegations contained in Paragraph 6, such allegations state a legal conclusion and therefore are denied.

4. Debtor admits the allegations contained in Paragraphs 7, 8 and 9.

5. As to the allegations contained in Paragraph 10, Debtor denies that Associated Bank has a claim for conversion.

6. As to the allegations contained in Paragraph 11, Debtor states that Gohl's judgment is avoidable.

7. Debtor admits the allegations contained in Paragraphs 12 and 13.

8. Debtor denies the allegations contained in Paragraph 14.

### **AFFIRMATIVE DEFENSES**

9. Gohl fails to state a claim upon which relief can be granted.

10. Gohl's claim for relief is barred by the doctrine of estoppel.

11. Gohl's claim for relief is barred because Debtor does not have the ability to pay such debt from income or property of the Debtor not reasonably necessary to be expended for the maintenance or support of the debtor and her dependents.

12. Gohl's claim for relief is barred because discharging such debt would result in a benefit to the Debtor that outweighs any detrimental consequences to Gohl.

13. Gohl's claim is barred because Gohl has already argued to the Scott County Family Court that Debtor cannot pay the debt at issue unless she was forced to pay over her exempt homestead proceeds.

14. Gohl's claim is barred because Gohl has sufficient nonexempt property and income to pay the debt at issue.

WHEREFORE, Debtor move the Court for an order dismissing Gohl's Complaint with prejudice, awarding her costs and attorneys' fees, and for such other relief as may be just and equitable.

**MANSFIELD, TANICK & COHEN, P.A.**

Dated: September 7, 2004

By: /e/ Jamie R. Pierce

Thomas G. Wallrich (213354)

Jamie R. Pierce (305054)

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**ATTORNEYS FOR DEFENDANT**

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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**PROOF OF SERVICE**

Amy E. Kulbeik states that she is an employee of Mansfield Tanick & Cohen, P.A., and in the course of said employment, on the date indicated below, she served the following:


- Answer of Barbara E. King Gohl;

upon

Sandra K. Kensey  
5430 Carlson Road  
Shoreview, MN 55126

by facsimile to 651-494-9467 and by enclosing true and correct copies of same in an envelope, properly addressed and postage prepaid, and depositing same in the United States mail; and that she certifies the foregoing under penalty of perjury.

Dated: September 7, 2004

  
Amy E. Kulbeik